

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

LARRY RICHARDSON,

Plaintiff,

Case No. 1:23-cv-167

v.

Honorable Ray Kent

UNKNOWN FULLER et al.,

Defendants.

/

ORDER OF TRANSFER

This is a civil rights action brought by a state prisoner under 42 U.S.C. § 1983. Plaintiff presently is incarcerated at the St. Louis Correctional Facility (SLF) in St. Louis, Gratiot County, Michigan, and the events giving rise to Plaintiff's action occurred at that facility. Plaintiff sues the following SLF officials: Correctional Officer Unknown Fuller; Acting Warden B. Carl; Grievance Coordinator K. Parsons; and Inspectors B. Hull and E. Salinas. (Compl., ECF No. 1, PageID.2.) In his *pro se* complaint, Plaintiff alleges that Defendant Fuller interfered with Plaintiff's access to medical care on January 27, 2023, when Plaintiff had chest pains, and that the other Defendants refused to process and investigate Plaintiff's complaints and grievances regarding the matter. (*See id.*, PageID.3.)

Under the revised venue statute, venue in federal-question cases lies in the district in which any defendant resides or in which a substantial part of the events or omissions giving rise to the claim occurred. 28 U.S.C. § 1331(b). The events underlying the complaint occurred in Gratiot County. Defendants are public officials serving in Gratiot County, and they "reside" in that county for purposes of venue over a suit challenging official acts. *See Butterworth v. Hill*, 114 U.S. 128,

132 (1885); *O'Neill v. Battisti*, 472 F.2d 789, 791 (6th Cir. 1972). Gratiot County is within the geographical boundaries of the Eastern District of Michigan. 28 U.S.C. § 102(a). In these circumstances, venue is proper only in the Eastern District of Michigan. Therefore:

IT IS ORDERED that this case be transferred to the United States District Court for the Eastern District of Michigan pursuant to 28 U.S.C. § 1406(a). **It is noted that this Court has not decided Plaintiff's request to proceed *in forma pauperis*, nor has the Court reviewed Plaintiff's complaint under 28 U.S.C. §§ 1915(e)(2), 1915A, or under 42 U.S.C. § 1997e(c).**

Dated: February 27, 2023

/s/ Ray Kent

Ray Kent
United States Magistrate Judge